

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**ELIEZER FALCON AND
ANDREA SNEED,**

Plaintiff,

v.

No.

**KLLM TRANSPORT SERVICES, LLC AND
AHMAD MOBLEY,**

Defendants.

**NOTICE OF REMOVAL TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO**

COME NOW the Defendants, KLLM Transport Services, LLC (hereafter “KLLM”) and Ahmad Mobley (collectively “Defendants”), by and through their attorneys of record, YLAW, P.C., and file this Notice of Removal, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, for the removal of this action from the First Judicial District Court, County of Santa Fe, State of New Mexico, to the United States District Court for the District of New Mexico on the following grounds:

1. Plaintiffs filed their civil action against Defendants in the First Judicial District Court, County of Santa Fe, State of New Mexico. Pursuant to D.N.M. LR-CIV 81.1, a copy of Plaintiffs’ Complaint for Personal Injuries is attached hereto as **Exhibit A**.

2. Plaintiff Eliezer Falcon is a citizen and resident of the state of Arizona. *Id.*, ¶ 1.

3. Plaintiff Andrea Sneed is a citizen and resident of the state of Arizona. *Id.*, ¶ 1.

4. Defendant Ahmad Mobley is a citizen and resident of the state of Florida, and is domiciled in Florida. *Id.*, ¶ 4.

5. KLLM Transport Services, LLC is a Texas Limited Liability Company with its principle place of business in Mississippi. *Id.*, ¶ 3, and Corporate Disclosure Statement, filed concurrently. As a limited liability company, KLLM Transport Services, LLC's "citizenship is determined by reference to the citizenship of each and every one of its members." *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1235-36 (10th Cir. 2015).

6. KLLM Transport Services, LLC is wholly owned by Investment Transportation Services, LLC. Investment Transportation Services, LLC is a Texas limited liability company, with its principal place of business in Mississippi. Investment Transportation Services, LLC is wholly owned by Duff Capital Investors, LLC. Duff Capital Investors, LLC is a Mississippi Limited Liability Company with its principal place of business in Mississippi. Duff Capitol Investors, LLC is wholly owned by two members; Thomas Milton Duff Amended and Restated Trust, a revocable grantor trust and the James Earnest Duff Amended and Restated Trust, a revocable grantor trust.

7. As a result, for purposes of 28 U.S.C. 1332(a), there is complete diversity of citizenship between Plaintiffs and Defendants.

8. Plaintiffs' Complaint does not allege the amount of damages incurred or the amount in controversy. *See* Ex. A.

9. By correspondence dated November 23, 2021 from Plaintiffs' counsel, it is clear the amount in controversy exceeds the jurisdictional limit of \$75,000.00.

10. The settlement demand letter sent on behalf of Plaintiffs shows the amount in controversy for Plaintiff Eliezer Falcon's claims exceed the jurisdictional threshold of \$75,000.00 and the amount in controversy for Plaintiff Andrea Sneed's claims exceed the jurisdiction threshold of \$75,000.00. *See McPhail v. Deere & Co.*, 529 F.3d 947, 954 (10th Cir. 2008) (finding

that a defendant may meet its burden of proof by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00 by looking at a plaintiff's settlement demand).

11. Although Defendants do not admit that Plaintiffs have been damaged in any amount as the result of any acts or omissions of Defendants, the amount in controversy exceeds \$75,000.00 for each Plaintiff.

12. Plaintiffs' Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by Defendants under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

13. The Notice of Removal was filed with this Court within thirty (30) days after service of the Complaint and after Defendants had a good faith basis to assert that all requirements were satisfied.

14. Defendants, immediately upon the filing of this Notice of Removal, gave written notice of the filing as required by 28 U.S.C. §1446 (d) and filed a copy thereof with the Clerk of the First Judicial District Court, County of Santa Fe, State of New Mexico, the Court from which this action is removed.

15. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

WHEREFORE, the Defendants KLLM Transport Services, LLC and Ahmad Mobley request that the above-entitled action be removed from the First Judicial District Court, County of Santa Fe, State of New Mexico, to this United States District Court for the District of New Mexico.

Respectfully submitted,

YLAW, P.C.

/s/ *Brett C. Eaton*

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I HEREBY CERTIFY that on the 4th day of March, 2022 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

S. Burgess Williams
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Attorneys for Plaintiffs

/s/ *Brett C. Eaton*

S. Carolyn Ramos
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